

PECHMAN LAW GROUP PLLC
A T T O R N E Y S A T L A W

488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 583-9500
WWW.PECHMANLAW.COM

January 19, 2018

VIA ECF

The Honorable Ramon E. Reyes, Jr.
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East, Rm. N208
Brooklyn, New York 11201

Re: Cortes, et al. v. Juquila Mexican Cuisine Corp., et al.
17 Civ. 3942 (ARR)(RER)

Dear Judge Reyes:

We are the attorneys for the Plaintiffs in the above-referenced matter. We write this letter jointly with Defendants to provide the Court with a status update, per Your Honor's Order dated December 7, 2017.

Plaintiffs' Position:

As per Your Honor's instructions, Plaintiffs updated their damages calculations and provided them to Defendants on December 22, 2017. Although Defendants provided a subsequent settlement offer on January 10, 2018, Defendants indicated that any further negotiations would be limited due to a recently initiated Department of Labor investigation of one of Defendants' restaurants. Plaintiffs do not believe that continued settlement discussions will prove fruitful at this time and would like to move forward with a formal discovery process, so as to not prejudice Plaintiffs. Plaintiffs therefore request permission to submit an amended Case Management Plan for Your Honor to review and so order.

Defendants' Position:

Shortly after our last court appearance the Defendants' restaurant was raided by the three agencies of the New York State Department of Labor ("DOL"). Upon information and belief, the DOL investigation was commenced as a result of complaints made by one of the plaintiffs in the instant action. The DOL investigation seeks to explore many of the issues raised in Plaintiffs' complaint. Thus, given the overlapping nature of the two matters, Defendants believe that they should move in lock step.

Hon. Ramon E. Reyes
January 19, 2018
Page 2

Note, that prior to the DOL raid, Defendants were proceeding with voluntary disclosure and were eager to move this case toward a quick settlement. Thus, Plaintiffs' push for additional discovery appears misguided. Indeed, Defendants are still committed to resolving all of their labor issues quickly. Defendants merely ask that the DOL's investigation be allowed to catch up, so that all matters can be resolved at once. In the alternative, the parties will merely be wasting judicial resources given that a settlement in this case is unlikely while the looming exposure in the DOL proceeding is still pending.

We thank the Court for its consideration to this matter and remain available to submit additional information as necessary.

Respectfully submitted,

/s/ Laura Rodriguez
Laura Rodríguez
Pechman Law Group PLLC
488 Madison Avenue
New York, New York 10022
Attorneys for Plaintiffs

/s/ Martin E. Restituyo
Martin Restituyo
Law Offices of Martin E. Restituyo, P.C.
1345 Avenue of the Americas, 2d Fl
New York, New York 10105
Attorneys for Defendants